

REFERENCE TITLE: postjudgment garnishment; attorney's writ

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

# HB 2612

Introduced by  
Representative Crump

## AN ACT

AMENDING TITLE 12, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4.2; RELATING TO ATTORNEY'S WRIT OF GARNISHMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Title 12, chapter 9, Arizona Revised Statutes, is amended  
3 by adding article 4.2, to read:

4                  ARTICLE 4.2. ATTORNEY'S WRIT OF GARNISHMENT

5                  12-1599. Writ of garnishment: grounds: procedure

6                  A. AN ATTORNEY WHO IS LICENSED TO PRACTICE LAW IN THIS STATE MAY ISSUE  
7 A WRIT OF GARNISHMENT IN A MANNER CONSISTENT WITH ARTICLES 4 AND 4.1 OF THIS  
8 CHAPTER IF ALL OF THE FOLLOWING APPLY:

9                  1. A JUDGMENT HAS BEEN ENTERED.

10                 2. THE AMOUNT OF EARNINGS OR MONIES ORDERED IN THE WRIT IS FIVE  
11 THOUSAND DOLLARS OR LESS.

12                 3. THE WRIT CONTAINS A STATEMENT THAT COMPLIES WITH THE REQUIREMENTS  
13 OF BOTH:

14                 (a) SECTION 12-1572 OR 12-1598.03.

15                 (b) SECTION 12-1574 OR 12-1598.04.

16                  B. NOT LESS THAN TEN DAYS BEFORE SERVICE OF THE WRIT, THE ATTORNEY  
17 ISSUING THE WRIT SHALL SERVE THE DEBTOR NOTICE THAT A WRIT OF GARNISHMENT MAY  
18 BE ISSUED.

19                  C. THE ANSWER OF THE GARNIShee SHALL BE SERVED ON THE ATTORNEY ISSUING  
20 THE WRIT WITHIN TEN DAYS FROM SERVICE OF THE WRIT AND SHALL COMPLY WITH THE  
21 REQUIREMENTS OF SECTION 12-1579 OR 12-1598.08.

22                  D. A PARTY WHO HAS AN OBJECTION TO THE WRIT OF GARNISHMENT OR THE  
23 ANSWER OF THE GARNIShee SHALL FILE A WRITTEN OBJECTION AND A REQUEST FOR A  
24 HEARING IN THE COURT THAT ISSUED THE JUDGMENT AND SHALL COMPLY WITH THE  
25 REQUIREMENTS OF SECTION 12-1580 OR 1598.07.